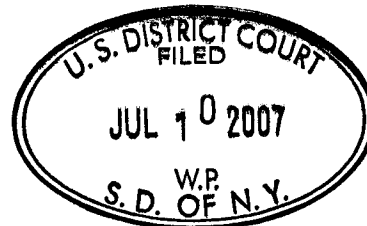


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
THE ANNUITY, PENSION, WELFARE and APPRENTICESHIP
SKILL IMPROVEMENT AND SAFETY FUNDS of the
INTERNATIONAL UNION OF OPERATING ENGINEERS,
LOCAL 137, 137A, 137B, 137C & 137R, AFL-CIO by its
TRUSTEES EDWARD KELLY, JEFFREY LOUGHLIN,
PETER PATERNO, ROSS PEPE, NICHOLAS SIGNORELLI and
NICHOLAS SIGNORELLI, JR., and JOHN and JANE DOE,
as Beneficiaries of the ANNUITY, PENSION, WELFARE and
APPRENTICESHIP SKILL IMPROVEMENT AND SAFETY
FUNDS of the INTERNATIONAL UNION OF OPERATING
ENGINEERS, LOCAL 137, 137A, 137B, 137C & 137R,
AFL-CIO,

**REQUEST TO
CLERK FOR
ENTRY OF DEFAULT**

07-CIV-3698 (WCC)

Plaintiffs,

-against-

DANIEL A. BUDD EXCAVATING & CONTRACTING, LLC
And BUDD BROTHERS CONSTRUCTION, INC.,

Defendants.

-----X

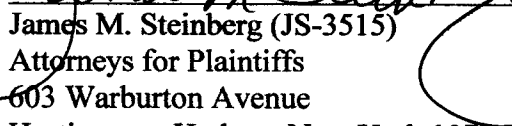
TO: J. MICHAEL McMAHON, Clerk of the United States District
Court for the Southern District of New York

Please enter the default of Defendants DANIEL A. BUDD EXCAVATING &
CONTRACTING, LLC and BUDD BROTHERS CONSTRUCTION, INC. pursuant to Rule
55(a) of the Federal Rules of Civil Procedure for their failure to plead or otherwise defend the
above-entitled action as fully appears from the court file herein and from the attached Affidavit
of James M. Steinberg, sworn to on July 9, 2007.

Dated: Hastings-on-Hudson, New York
July 9, 2007

BRADY McGUIRE & STEINBERG, P.C.

By:


James M. Steinberg (JS-3515)
Attorneys for Plaintiffs
603 Warburton Avenue
Hastings-on-Hudson, New York 10706
(914) 478-4293

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED:

TO: Daniel A. Budd Excavating & Contracting, LLC
10 Charles Street, Suite 3
Pleasant Valley, New York 12569

Budd Brothers Construction, Inc.
10 Charles Street, Suite 3
Pleasant Valley, New York 12569